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ACCOUNT NO. 23-0975

72 AF

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of : **Confirmation No. 2705**
Hiroyuki FUJIMURA et al. : Attorney Docket No. 2003_1008A
Serial No. 10/623,159 : Group Art Unit 1742
Filed July 21, 2003 : Examiner Harry D. Wilkins,III

METHOD AND APPARATUS FOR PRODUCING
HIGH-PURITY HYDROGEN

Mail Stop: AF

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE UNDER 37.CFR 1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 1742**

Sir:

This is in response to the Office Action dated April 9, 2007. The Examiner is respectfully requested to reconsider the merits of the present application in view of the attached declaration.

On pages 2-4 of the Office Action, claims 1-4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Pham et al. (USPN 6,051,125) in view of Gregg (USPN 4,229,184) and one or more of Chiaramonte (US 4,312,740) or Keller et al. (USPN 4,953,479) or Shaw (USPN 6,736,955).

In the "Response to Arguments" section of the Office Action, the Examiner indicates that "if Applicant were to provide the data supplied with the responses filed on 10 October 2006 and 15 February 2007 within the form of a Declaration under 37 C.F.R. § 1.132, it appears that the result of avoidance of carbon deposition achieved by the present invention would be considered an unexpected result over the disclosure of Pham et al."

Accordingly, the data discussed in the response filed October 10, 2006 and the response filed on February 15, 2007 is submitted herewith in the form of a Declaration under 37 C.F.R. § 1.132. The Declaration is made by Mr. Hiroshi Yokota who is a manager of the Material Laboratory at Ebara Corporation, the Assignee of the present application.


It is submitted that the Declaration by Mr. Yokota clearly establishes that the avoidance of carbon deposition is achieved in the present invention.

In view of the above, it is submitted that the present application is now clearly in condition for allowance. The Examiner therefore is requested to pass this case to issue.

In the event that the Examiner has any comments or suggestions of a nature necessary to place this case in condition for allowance, then the Examiner is requested to contact Applicant's undersigned attorney by telephone to promptly resolve any remaining matters.

Respectfully submitted,

Hiroyuki FUJIMURA et al.

By: 
Michael S. Huppert
Registration No. 40,268
Attorney for Applicants

MSH/kjf
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
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